

***FAIRFAX COUNTY CIRCUIT COURT CLERK'S OFFICE***

***4110 CHAIN BRIDGE ROAD***

***FAIRFAX, VIRGINIA 22030***

[WWW.FAIRFAXCOUNTY.GOV/COURTS/CIRCUIT](http://WWW.FAIRFAXCOUNTY.GOV/COURTS/CIRCUIT)

***FILING FEES***

***EFFECTIVE, JULY 2003***

**NEW CASE FILINGS:**

- ☐ The original Bill of Complaint, Motion for Judgment, Petition etc must be received by the Civil Intake Clerk.
- ☐ ***Cover Sheet - Two Copies of a Cover Sheet must be completed prior to the filing of a case. Types of Cover Sheets available are: Divorce, Chancery and Law***
- ☐ **PAPER SIZE:** 8 ½ X11 – double-spaced – Rule 1:16
- ☐ **ADOPTION:** (Please refer to Adoption Procedures Brochure)  
Adoption petitions require the following:  
An Original notarized petition plus two additional copies  
An endorsed Final Order to submit for Judge's signature  
A completed VS21(Report of Adoption) completed in black ink  
A completed VS6 form (Certification of Vital Record, if applicable) completed in Black Ink  
Any evidence, exhibits or documentation in support of the Petition, plus two copies of EACH PAPER FILED.
- ☐ **DIVORCE:** (Please refer to the Pro Se Divorce Brochure)  
The Original Bill of Complaint plus one additional copy for service  
Two copies of the Divorce Cover Sheet  
A completed VS4 (Report of Divorce or Annulment) form completed in black ink.  
Additional recording fee is required for parties resuming their maiden name. Please refer to the fee schedule.
- ☐ **GARNISHMENT:** (Please refer to the Garnishment Instruction Packet)  
Original Suggestion in Garnishment form fully completed  
Original Garnishment Summons form plus six copies fully completed  
Original Garnishment Exemption Claim form plus six copies fully completed
- ☐ **DEBTOR INTERROGATORIES:** (Please refer to Debtor Interrogatories guideline)  
***The Original plus two copies of the following documents:***  
Interrogatory Summons Form (Circuit Court Form Only)  
Affidavit  
List of documents if using form for production of documents  
Original Levy Exemption Claim Form
- ☐ **LEVY:** (Please refer to Guideline for preparing Levy Requests)  
Original Levy Request plus five additional copies  
Original Request for Exemption Claim form with five additional copies

**FILING AND SERVICE FEES:**

**NO PERSONAL CHECKS OR CREDIT CARDS ACCEPTED**

Filing and Service fees may be paid by cash, certified check or money order for each case filed payable to:

**Clerk of the Circuit Court  
4110 Chain Bridge Road  
Fairfax, Virginia 22030  
Attention: Civil Intake**

- ☐ Service fee for service by the Sheriff of the City of Norfolk or Virginia Beach is made payable to the Constable of the specific jurisdiction. ***All other Sheriff Service fees to be included with Filing Fee.***
- ☐ Service fee for service by Secretary of the Commonwealth, Division of Motor Vehicles or State Corporation Commission require a separate check payable to the specific entity.
- ☐ The Court accepts check payment by members of the Virginia Bar Association. The check must reflect the Counsel's Virginia Bar number. For an out of state attorney, the check must include their Virginia Bar number on the check.
- ☐ Separate payment must be made for each new case filing.

- ❑ Credit Card payment is accepted for Concealed Weapon Applications only.

## **SERVICE:**

### **❑ INDICATE HOW SERVICE IS TO BE DONE:**

- Sheriff
- Special Process Server
- Secretary of the Commonwealth
- Division of Motor Vehicles
- State Corporation Commission
- Order of Publication
- Other
- ❑ If service is by the Sheriff, it is the responsibility of the party requesting service/subpoenas to advise the Clerk's Office to which Sheriff the service/subpoena should be directed, to wit: Alexandria, Arlington, Fairfax, Prince William, etc.

### **TWENTY-ONE DAY NOTICE REQUEST:**

- ❑ Twenty-one day Subpoena in Chancery or Notice of Motion for Judgment, requires an original Bill of Complaint, Motion for Judgment or Petition and a copy of such for each service.
  - ❑ If requesting Alias service you must file a praecipe directing the clerk to issue service along with a copy of the original filing for each service requested.
- Subpoena in Chancery – Rule 2:4      Notice of Motion For Judgment – Rule 3:3

### **PLEADINGS TO BE SERVED:**

- ❑ Pleadings to be served require an original plus two copies for each service.

### **SECRETARY OF THE COMMONWEALTH:**

- ❑ Secretary of the Commonwealth requires one additional copy of the pleading to be served, an original and three copies of the affidavit for each defendant served, a certified mail card completed with the address of whom the card shall be returned to, an envelope addressed to the defendant and a self-addressed stamped envelope for return of service.
- Applicable code section §8.01-301, 8.01-310, 8.01-329, 55-218.1, 57-51.

### **DIVISION OF MOTOR VEHICLES:**

- ❑ DMV requires two copies of the pleading and an original plus three additional copies of each affidavit of the last known address for each defendant served.
- Applicable code section §8.01-308.

### **STATE CORPORATION COMMISSION:**

- ❑ State Corporation Commission requires two copies of the pleading and an original plus three additional copies of the statement or affidavit of the last known address for each defendant served. Statement or Affidavit must comply with Virginia Code Section §12.1-19.1 and §13.2-637.

*(NOTE: When service or subpoena is by Private Process Server or other form which requires counsel or individual to pick up service from clerk's office – you must provide the Clerk at the counter with the case number of the subpoena and or service.)*

## ORDER OF PUBLICATION:

A publication can be done in any Newspaper where the newspaper has been authorized by this Court to print legal notices and publications in accordance with §8.01-324. An Order of publication shall be published in a newspaper prescribed by the court pursuant to §8.01-317. The amount of times that the publication is in the newspaper is prescribed by statute. The Court currently utilizes the Northern Virginia Journal and the Washington Times.

Northern Virginia Journal	\$25.00
Washington Times	\$25.00
(Rates are subject to change)	

Forms for Affidavit and Order of Publication can be obtained by Clerks Office.

### REQUIRED DOCUMENTATION:

- ❑ Original Order of Publication
- ❑ Affidavit notarized by complainant or attorney
  - Affidavit must state the following:
    - ❑ the individual is a non-resident individual, **or**
    - ❑ cannot be found, that due diligence has been used without effect to ascertain the location of the party to be served, **or**
    - ❑ cannot be served with court process, and that a return has been filed by the Sheriff which shows that the process has been in his or her hands for twenty-one (21) days and the Sheriff has been unable to make service
- ❑ An envelope addressed to the individual being served by publication at their last known address, if known.
- ❑ A completed certified mail receipt or registered mail receipt and appropriate fees for such mailing.
- ❑ A copy of the pleading to be served by publication.
- ❑ For publications for the Northern Virginia Journal or Washington Times, you must submit a check payable to the specific newspaper. *If additional fees required, the newspaper will bill the petitioner or counsel.*

Publication in a Newspaper other than the Northern Virginia or Washington Times, the petitioner must make specific arrangements with that newspaper. The Court will process the Order of Publication documentation, but the petitioner will make arrangements to have the documentation delivered to the newspaper for publication.

## SUBPOENA ISSUANCE

The following is required for the Court to issue a subpoena for a witness and for production of documents:

### SUBPOENA - WITNESS

- ☐ Original Subpoena Request
- ☐ Name and Address of Witness to appear at trial or deposition
- ☐ Date and time of Trial or Deposition
- ☐ Place of Trial or Deposition

### SUBPOENA DUCES TECUM

- ☐ Original and one copy of the subpoena duces tecum request for each service.  
(Request must comply with Rule 4:9C)
- ☐ Name & address of the person to be deposed.
- ☐ Date and time of deposition
- ☐ Address where deposition or production will take place in Virginia
- ☐ For medical records subpoena a Notice to Provider must be included. §32.1-127 1:03
- ☐ Items to be produced as a result of subpoena.
- ☐ A certificate of service or statement showing that the opposing party was mailed a copy of the Request for Subpoena Duces Tecum.
- ☐ Payment of filing fees and service fees.

### SUBPOENA ATTORNEY ISSUED:

The summons and any transmittal sheet shall be deemed a pleading to which the provisions of §8.01-271.1 apply. The original Attorney issued subpoena and one copy for each person being served is mailed by counsel directly to the Sheriff or Private Process Server. If service by the Sheriff, a transmittal letter is required and is deemed to be part of the pleading. The following is required to file an Attorney Issued Subpoena with the Court:

- ☐ Copy of Attorney issued subpoena-witness/and or duces tecum *with transmittal letter*
- ☐ For medical records subpoena a Notice to Provider must be included. §32.1-127 1:03
- ☐ Cover letter stating how subpoena is being served (Sheriff or Private Process)
- ☐ Fees for service by sheriff

Applicable Code Sections: § 8.01-407, 8.01-413, 16.1-89, 16.1-265, 32.1-127:03  
Rule 1:4, 4:5, 4:9

## FOREIGN SUBPOENA

### Uniform Foreign Deposition Act - §8.01-411

- ☐ Two certified copies of a Notice of Deposition, Subpoena Request or Certified Commission from the foreign jurisdiction.
- ☐ Praecipe or cover letter requesting the clerk to issue a subpoena in accordance with the Uniform Foreign Deposition Act - §8.01-411.
- ☐ Witness under subpoena must be in Fairfax County.
- ☐ Production and or Deposition must occur in the Commonwealth of Virginia.
- ☐ Must comply with §8.01-411 and Rule 4:9C.
- ☐ See Schedule for Fees

### INFORMATION REQUIRED FOR FOREIGN SUBPOENA/DUCES TECUM

- ☐ Name & address of the person to be deposed.
- ☐ Date and time of deposition
- ☐ Address where deposition or production will take place in Virginia
- ☐ Items to be produced as a result of subpoena.
- ☐ For medical records subpoena a Notice to Provider must be included. §32.1-127 1:03
- ☐ A certificate of service or statement showing that the opposing party was mailed a copy of the Request for Subpoena Duces Tecum.
- ☐ Payment of filing fees and service fees.